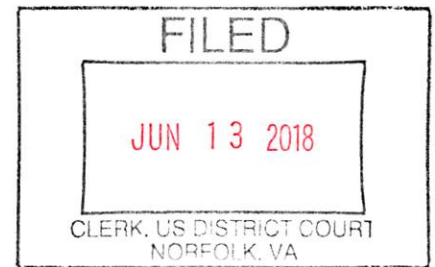


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



*J.F.S., a minor child by next friend
and sibling Matthew P. Starbuck,*

Plaintiff,

v.

ACTION NO. 4:18cv63

WILLIAMSBURG JAMES CITY
COUNTY SCHOOL BOARD,

Defendant.

ORDER TO SHOW CAUSE

On May 30, 2018, Matthew P. Starbuck (“Mr. Starbuck”), appearing *pro se* and on behalf of his minor sibling, J.F.S., submitted an Application to Proceed in District Court Without Prepaying Fees or Costs (“IFP Application”),¹ along with a proposed Complaint. IFP Appl., ECF No. 1. Based upon the information contained in Mr. Starbuck’s supporting financial affidavit, the Court **GRANTS** Mr. Starbuck’s IFP Application, ECF No. 1, and the Clerk is **DIRECTED** to file the Complaint. The Court notes that Mr. Starbuck’s Complaint contains several references to J.F.S.’s first name. Pursuant to Rule 5.2(a) of the Federal Rules of Civil Procedure, any document filed with the Court that involves “an individual known to be a minor” may only include “the minor’s initials.” Fed. R. Civ. P. 5.2(a). As such, prior to filing Mr. Starbuck’s Complaint, the Clerk is **DIRECTED** to redact all references to J.F.S.’s first name.

¹ When a party proceeds in district court without prepaying fees or costs, it is said that the party is proceeding *in forma pauperis*. As such, the Court will refer to Mr. Starbuck’s fee waiver application as an “IFP Application.”

Mr. Starbuck is ADVISED that any future filings submitted to this Court must comply with Federal Rule 5.2(a).

Before this action may proceed any further, the Court must address issues related to Mr. Starbuck's *pro se* status. In his Complaint, Mr. Starbuck alleges that on February 15, 2018, J.F.S., a high school student, was engaged in a conversation with other students regarding the recent school shooting in Parkland, Florida. Compl. at 1-2, 5-6. Mr. Starbuck claims that the conversation was a "proactive" discussion regarding "the prevention and basis of these tragedies." *Id.* at 6. Nevertheless, a teacher overheard certain remarks made by the students, and contacted school administrators and the local police. *Id.* Although the teacher's report was "cleared" as "unfounded," and the school police officer "believed there was no threat made and no criminal offense," J.F.S. received both an in-school suspension and an out-of-school suspension. *Id.* at 6-7. Mr. Starbuck claims that Defendant Williamsburg James City County School Board ("Defendant") wrongfully treated J.F.S., and as a result, he seeks declaratory relief and monetary damages on behalf of J.F.S. *Id.* at 1-13.


Mr. Starbuck, who does not appear to be a licensed attorney, seeks to litigate this action on behalf of J.F.S. on a *pro se* basis. As this Court has explained: "Although 28 U.S.C. § 1654 gives litigants the right to bring civil claims *pro se*, courts are nearly unanimous in holding that a parent or guardian cannot sue on behalf of a child without securing counsel." *Gallo v. United States*, 331 F. Supp. 2d 446, 447 (E.D. Va. 2004) (noting that "[i]t is generally not in the interest of a child to be represented by a non-attorney, who will likely be unable to adequately protect her rights and vigorously prosecute litigation on her behalf"); *see also Myers v. Loudoun Cty. Pub.*

Sch., 418 F.3d 395, 401 (4th Cir. 2005) (holding that “non-attorney parents generally may not litigate the claims of their minor children in federal court”).²

For these reasons, it appears that dismissal of this action is warranted. However, in deference to Mr. Starbuck’s *pro se* status, the Court will provide Mr. Starbuck with an opportunity to address the issues discussed above. Mr. Starbuck is hereby **ORDERED** to obtain counsel for J.F.S. or **SHOW CAUSE** why this action should not be dismissed for the reasons set forth above. Mr. Starbuck must respond to this Court within thirty days from the date of entry of this Order to Show Cause. Mr. Starbuck is ADVISED that this case will be dismissed if he fails to comply with this Order to Show Cause.

The Clerk is **DIRECTED** to send a copy of this Order to Show Cause to Mr. Starbuck.

IT IS SO **ORDERED**.



Mark S. Davis
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

June 12, 2018

² Courts have developed exceptions to this general rule for certain types of cases (*i.e.*, social security litigation); however, no such exception appears to apply to Mr. Starbuck’s circumstances. *See J.M. v. Colvin*, No. 2:15cv475, 2016 U.S. Dist. LEXIS 183976, at *22-24 (E.D. Va. Dec. 22, 2016) (allowing a non-attorney parent to bring a social security action on behalf of a minor child).